

1937

c 57 Public Service Works on Highways Act

Ontario

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CHAPTER 57.

The Public Service Works on Highways Act.

1. In this Act,—

Inter-
pretation.

- (a) "Appliances and works" shall mean and include poles, wires, conduits, transformers, pipes and pipe lines and any other works, structures or appliances placed on or under a highway by an operating corporation; "Appliances and works."
- (b) "Operating corporation" shall mean and include a municipal corporation or commission and a company or individual operating or using a telephone or telegraph service, or transmitting, distributing or supplying electricity or artificial or natural gas for light, heat or power and shall include The Hydro-Electric Power Commission of Ontario; "Operating corporation."
- (c) "Road authority" shall mean and include the Department of Highways, a municipal corporation, board, commission, or other body having control of the construction, improvement, alteration, maintenance and repair of a highway and responsible therefor. R.S.O. 1927, c. 56, s. 1; 1929, c. 19, s. 2. "Road authority."

2. Subject to the provisions of section 3, where in the course of constructing, reconstructing, changing, altering or improving any highway it becomes necessary to take up, remove or change the location of appliances or works placed on or under the highway by an operating corporation, the road authority and the operating corporation may agree upon the apportionment of the cost of labour employed in such work and in default of agreement the cost of such work shall be apportioned equally between the road authority and the operating corporation, but such costs shall not include the replacement or renewal of the appliances or works nor the cost of any materials or supplies, nor any other expense or loss occasioned to the operating corporation. R.S.O. 1927, c. 56, s. 2. Cost of removal of appliances and works on alteration in highway.

Apportion-
ment of cost
of moving,
etc., public
service
works on
highways.

3. Notwithstanding anything in section 2 where it is made to appear to the Ontario Municipal Board, upon application made to it, that the circumstances and conditions under which any of the appliances or works mentioned in the said section 2 have been placed on or under a highway, or that other special conditions render it unfair or unjust that the cost of taking up, removing or changing the location of such works should be apportioned and paid as provided in section 2, the Board, upon the application of the road authority or operating corporation may apportion the cost of the taking up, removing or changing the works in such manner as may appear to it to be equitable, and the decision of the Board shall be final and shall not be subject to appeal. R.S.O. 1927, c. 56, s. 3.
